

Entered on Docket

April 09, 2010

GLORIA L. FRANKLIN, CLERK

U.S. BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA



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Signed: April 08, 2010

6 Attorneys for WELLS FARGO BANK
7 THE CERTIFICATEHO
8 INVESTMENTS II INC.
9 2007-AR1, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-
10 AR1

EDWARD D. JELLEN
U.S. Bankruptcy Judge

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11 UNITED STATES BANKRUPTCY COURT

12 NORTHERN DISTRICT OF CALIFORNIA - OAKLAND DIVISION

13 In re

14 JOHN ALLEN LOISELLE AND BEVERLY
15 LYN LOISELLE,

Case No. 09-72065-EDJ

Chapter 7

R.S. No. CJR-630

16 ORDER GRANTING MOTION FOR
17 RELIEF FROM AUTOMATIC STAY

18 DATE: March 26, 2010

TIME: 10:00AM

19 CTRM: 215

20 Northern District of California - Oakland
Division
United States Bankruptcy Court
1300 Clay Street
Oakland, CA 94612

21 Debtor(s).

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23 The above-captioned matter came on for hearing on March 26, 2010, at 10:00 AM, in
24 Courtroom 215, upon the Motion of Wells Fargo Bank, National Association as Trustee for the
25 Certificateholders of Structured Asset Mortgage Investments II Inc., Bear Stearns Mortgage
26 Funding Trust 2007-AR1, Mortgage Pass-Through Certificates, Series 2007-AR1 ("Movant"),
27 for relief from the automatic stay of 11 U.S.C. § 362, to enforce its interest in the property of
28 John Allen Loiselle and Beverly Lyn Loiselle ("Debtors") commonly known as 8340 Locust

1 Place North, Dublin, California 94568 (the "Real Property"), which is legally described as
2 follows:

3 SEE LEGAL DESCRIPTION AS EXHIBIT FOR PROPOSED
4 ORDER GRANTING MOTION FOR RELIEF FROM
5 AUTOMATIC STAY, DOCKET NUMBER 22.

6 Appearances as noted on the record.

7 Based on the arguments of counsel, and good cause appearing therefor,

8 IT IS HEREBY ORDERED:

9 1. The automatic stay of 11 U.S.C. § 362, is hereby terminated as it applies to the
10 enforcement by Movant of all of its rights in the Real Property under Note and Deed of Trust;

11 2. Movant is authorized to foreclose its security interest in the Real Property under
12 the terms of the Note and Deed of Trust, and pursuant to applicable state law;

13 3. The 14-day stay provided by Bankruptcy Rule 4001 (a)(3) is waived;

14 4. Post-petition attorneys' fees and costs for the within motion may be added to the
15 outstanding balance of the subject Note as allowed under applicable non-bankruptcy law;

16 5. Upon foreclosure, in the event Debtors fail to vacate the Real Property, Movant
17 may proceed in State Court for unlawful detainer pursuant to applicable state law; and

18 6. Movant may offer and provide Debtors with information re: a potential
19 Forbearance Agreement, Loan Modification, Refinance Agreement, or other Loan Workout/Loss
20 Mitigation Agreement, and may enter into such agreement with Debtors. However, Movant may
21 not enforce, or threaten to enforce, any personal liability against Debtors if Debtors' personal
22 liability is discharged in this bankruptcy case;

23 7. This Order shall be binding and effective despite any conversion of this
24 bankruptcy case to a case under any other chapter of Title 11 of the United States Code.

25 ** END OF ORDER **
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1 **COURT SERVICE LIST**

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17 Alameda, CA 94501
18 Chapter 7 Trustee

19 EMC Mortgage
20 Attn: Bankruptcy Clerk
21 P.O. Box 293150
22 Lewisville, TX 75029

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